

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUADRATEC, INC. :  
: CIVIL ACTION  
v. :  
: NO. 13-6384  
TURN 5, INC. d/b/a EXTREME TERRAIN :  
:

**O R D E R**

AND NOW, this 13<sup>th</sup> day of August, 2015, upon consideration of Defendant's Motion to Partially Dismiss Plaintiff's Second Amended Complaint (ECF No. 14), and all documents submitted in support thereof, and in opposition thereto, it is ORDERED that the Motion is GRANTED in part, and DENIED in part, as follows:

- A. Defendant's Motion to Dismiss Count I (copyright infringement), Count II (copyright infringement), and Count III (copyright infringement) of the Second Amended Complaint is DENIED.
- B. Defendant's Motion to Dismiss Plaintiff's claim for statutory damages and attorneys' fees asserted in Count II is GRANTED.
- C. Defendant's Motion to Dismiss Count IV (unfair competition under the Lanham Act), Count VI (misappropriation by unfair competition), and Count IX (unjust enrichment) of the Second Amended Complaint is GRANTED.

**IT IS SO ORDERED.**

**BY THE COURT:**



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**R. BARCLAY SURRICK, J.**